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New York State Energy Planning Board
Energy Plan Comments
NYSERDA
17 Columbus Circle
Albany, NY 12203-6399

July 8, 2008

Dear Mr. Decotis, Mr. Congdon and Members of the Energy Coordinating Working Group and Energy Planning Board:

On behalf of Audubon New York, the state program of the National Audubon Society representing 27 local Chapters and more than 50,000 members, we applaud the leadership of Governor David Paterson in creating the State Energy Planning Board to address the future and sustainable energy needs of the State. The generation, conservation, and use of energy is critically linked in several ways to Audubon's mission to protect birds, other wildlife, and their habitats. We look forward to working with the Planning Board and the Energy Coordinating Working Group (ECWG) to ensure that New York's energy plan balances the need to provide clean, reliable energy with the need to protect the state's wildlife and habitats. To that effect, we thank you for the opportunity to provide comments on the proposed Draft Scope for the 2009 New York State Energy Plan.

Overall, the Draft Scope that has been developed represents a strong and thoughtful approach to addressing the State's energy needs. As climate change is one of the leading threats facing birds, other wildlife and their habitats, ensuring properly sited renewable energy facilities, promoting increased energy efficiency, and reducing energy consumption and greenhouse gas emissions are top priorities for Audubon New York, and we are pleased to see a strong focus on these throughout the Draft Scope. We believe this effort would be enhanced with the inclusion of representatives from the Department of Environmental Conservation's Office of Natural Resources in the further development of the energy plan. The office's wildlife and plant biologists would add an important perspective regarding the impacts that siting energy facilities and alternative fuel choices may have on species of conservation concern and their habitats, providing necessary protection of the State's natural resources as New York pursues its sustainable energy future. Along the same lines, efforts should be made to coordinate with the Invasive Species Council to ensure that development of biofuels will not adversely impact the State's native ecosystems.

Regarding specific portions of the Draft Scope, Audubon New York would like to offer the following recommendations:

Section III (A): (a) (vi) – the words "protection of" should be added before "the State's natural resources;". It is imperative that any energy plan developed be protective of the State's natural resources, and not just "consider" them.

Section III (A): (f) – In assessing the costs and benefits of promoting biofuels, specific attention should be paid to the impacts of biofuel production on wildlife species and habitats. Grassland birds, such as Bobolinks, Short-eared Owls, Eastern Meadowlarks and other species that depend on habitat such as hayfields and pastures, are a group of species in serious decline in New York State. Their populations are threatened in some areas where agricultural practices have intensified resulting in hayfields and pastures that do not allow grassland birds to breed successfully, and in other areas where habitat is being converted to production of biofuels that do not provide suitable breeding habitat. As the State seeks to increase development of biofuels, we must ensure that these sustainable energy choices are truly sustainable for all sectors of the environment and economy. This should be studied further and addressed in the issue brief in section III (B) regarding environmental impact and regulation of energy systems.

Section III (A): (g) – the term "environment", needs further clarification and should be strengthened or separated into its own section. It is important that such an assessment of the impacts associated with electricity production and energy use on the environment be very specific to include assessments on impacts to wildlife and plant species, ecosystem function, ground and surface water, air quality, among others.

Section III (A): (h) – as currently drafted, this seems to imply that our strong environmental laws and regulations obstruct energy development and need to be revisited, perhaps even loosened. While some State policies and regulations may need to be amended to address current and future demand for energy and energy development, revisions to regulations must ensure that the environment and public health are protected to the fullest extent while allowing the State to efficiently produce clean energy.

Section III (B) – Issues Briefs

Siting new energy infrastructure – In this issue brief, special attention should be paid to State agency guidelines and recommendations of environmental impact studies that should be conducted pre and post siting of energy facilities (e.g. NYS Department of Environmental Conservation's Guidelines for Bird and Bat Studies at Commercial Wind Energy Projects), and a firm call should be issued for developers to follow these. It is important for *all* new potential energy producing facilities to go through a comprehensive environmental review. As we have observed with wind power, a clean, renewable source of energy with few negative environmental impacts, these facilities have the potential to negatively affect birds and other wildlife through direct mortality from collisions and through habitat degradation from turbine construction and maintenance. These impacts of wind turbines and other sources of energy can be mitigated through proper site assessments prior to construction of facilities, avoiding the placement of wind energy developments in high risk areas, and through thorough evaluation of avian mortality at existing and new facilities.

In Audubon New York's position on wind power development, adopted by our Board of Directors in June 2004, we have outlined the proper framework for such assessments to follow (http://ny.audubon.org/IssuesAction_ConservationIssues_WindPower_Position.html):

Audubon New York calls for comprehensive avian surveys at proposed wind turbine sites prior to site development. Assessing avian use of a site prior to wind turbine development is a crucial first step in preventing wind farm placement in high-risk areas. Pre-development surveys should include both field and radar surveys during the breeding, migrating, and wintering seasons, should allow for adequate observation sample sizes (i.e., sampling days), and ideally would occur for more than one year.

Audubon New York opposes wind farm development on sites determined to be of high risk to bird populations, including: 1) sites of known local bird migration pathways or in areas where birds are highly concentrated during migration; 2) sites in habitats known to be important to state and federally listed bird species; 3) Important Bird Areas (IBAs) and Bird Conservation Areas (BCAs) identified for their importance to large numbers of migrants, either raptors or nocturnal migrants; and 4) IBAs and BCAs where construction of the turbines (i.e., the footprint) would significantly lower the habitat value of the site.

To learn more about how and in what circumstances wind turbines significantly increase bird mortality and potentially impact bird populations, Audubon New York calls for additional, thorough studies to be conducted on the impacts of wind energy projects on birds at existing wind sites and for three to five years following the construction of new sites. These studies should be paid for out of a fund established by wind energy producers.

Environmental impact and regulation of energy systems – In general, the term "environmental impacts" needs further clarification as to the specific impacts that this issue brief will cover. For example, impacts of energy systems and sources on wildlife and habitats may be relatively direct (i.e. mortality from collisions, habitat fragmentation, etc.) or more indirect (i.e. acid rain, mercury deposition, etc). While the goal of avoiding or minimizing impacts to the environment is laudable, mitigation of the impacts from energy production and distribution must also be addressed in this brief. As stated previously, this is important to consider when assessing the impact of biofuel production on the states priority conservation species and their habitats. Efforts should be made to ensure the fuel species chosen provide benefits to wildlife, and will not adversely impact native ecosystems by using invasive species. In addition, concepts such as promoting sustainable forestry in the production of cellulosic ethanol should also be explored in this issue brief.

Climate Change: As previously stated, global warming is one of the leading threats to birds and other wildlife in New York and across the nation. The resulting change in climate patterns has the potential to impact the nation's agriculture, forestry, public health, and recreation, costing billions in lost revenue. Global warming is likely to result in immediate impacts on birds and other wildlife that live in specialized ecosystems, such as high elevation species like Bicknell's Thrush and coastal species like Saltmarsh Sharp-tailed Sparrow, as well as disrupting patterns of migration and food availability. Many species of migratory birds are already shifting their ranges both toward the poles and steadily upward (known as the escalator effect) in response to parallel shifts in their climatic habitat, as well as migrating and laying eggs earlier in the spring. While the focus of this issue brief is primarily on the role that energy siting can play in reducing

emissions, it is critical that this issue brief also discuss the need to develop strategies to help humans, infrastructure and ecosystems adapt to a changing climate.

Leading scientists have indicated that even under the most ambitious greenhouse gas emissions reduction strategies global warming will still happen, and it is imperative that we begin planning for adaptation of ecosystems and the species they support, as well as humans and our infrastructure, to the changing climate. Climate change adaptation projects would help protect and enhance habitats that are critical for species migration and provide connectivity between ecosystems to allow for this migration. In addition, adaptation projects could help coastal communities prepare for sea level rise by protecting the freshwater and coastal habitats that provide buffering from storm surges.

Once again, Audubon New York applauds the work of the ECWG in developing this Draft Scope, and appreciates the opportunity to comment on the Draft. We look forward to working closely with the ECWG and the Planning Board in the months to come to ensure that the energy plan benefits both the economy and the environment of New York State.

Sincerely,

Sean Mahar
Director of Government Relations and Communications
Audubon New York